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13 *Class Counsel*

14
15 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
16

17 IN RE CONAGRA FOODS, INC.

Case No. CV 11-05379-CJC (AGRx)

18 MDL No. 2291

19 CLASS ACTION

20 **NOTICE OF MOTION AND MOTION**
FOR PRELIMINARY APPROVAL OF
THE SETTLEMENT, APPROVAL OF
FORM AND MANNER OF NOTICE,
APPROVAL TO NOTICE THE
CLASSES, AND SETTING FINAL
SETTLEMENT SCHEDULE AND
DATE FOR FINAL APPROVAL
HEARING

21
22 **DATE:** November 21, 2022
TIME: 1:30 p.m.
CTRM.: 9B
23 **JUDGE:** Hon. Cormac J. Carney
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28 NOTICE OF MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF THE
SETTLEMENT

CV 11-05379-CJC (AGRx)

1 TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on November 21, 2022 at 1:30 p.m., in the Courtroom of the
3 Honorable Cormac J. Carney, located at 411 West Fourth Street, Courtroom 9B, Santa Ana, California
4 92701, Plaintiffs Robert Briseño, Michele Andrade, Jill Crouch, Pauline Michael, Necla Musat,
5 Maureen Towey, Julie Palmer, Cheri Shafstall, Dee Hooper-Kercheval, Kelly McFadden, Erika
6 Heins, Rona Johnston, and Anita Willman, in their individual capacities and as Class Representatives
7 (“Class Representatives”), will move the Court, pursuant to Federal Rule of Civil Procedure 23, for
8 an Order Directing Notice to the Classes (the “Motion”). The [Proposed] Order Directing Notice to
9 the Classes is filed concurrently herewith as Exhibit A to the Settlement Agreement.

10 Plaintiffs respectfully request that the Court enter that Order:

11 (a) Finding the Court will likely be able to approve the proposed settlement of this
12 class action on the terms set forth in the Settlement Agreement as fair, reasonable and adequate under
13 Rule 23(e)(2) and certify the Classes for purposes of judgment, subject to further consideration at the
14 Fairness Hearing;

15 (b) Directing notice to the previously certified eleven state Classes, pursuant to
16 Fed. R. Civ. P. 23(b)(3);

17 (c) Appointing Robert Briseño, Michele Andrade, Jill Crouch, Pauline Michael,
18 Necla Musat, Maureen Towey, Julie Palmer, Cheri Shafstall, Dee Hooper-Kercheval, Kelly
19 McFadden, Erika Heins, Rona Johnston, and Anita Willman as Class Representatives;

20 (d) Appointing Milberg Coleman Bryson Phillips Grossman PLCC, Tadler Law
21 LLP, and DiCello Levitt LLC as Class Counsel;

22 (e) Approving the proposed Notice Plan, including the proposed forms of notice,
23 and directing notice be disseminated to the Classes in the manner proposed by the Notice Plan;

24 (f) Approving the appointment of JND Legal Administration as the Settlement
25 Administrator;

26 (g) Scheduling a hearing at which the Court will consider final approval of the
27 Settlement and setting certain other dates in connection with the final approval of the Settlement; and

(h) Such other matters as the Court may deem appropriate.

This Motion is based on the accompanying memoranda of points and authorities, the Joint Declaration of Class Counsel (including all exhibits thereto), the argument of counsel, all papers and records on file in this matter, and such other matters as the Court may consider.

This Motion is made following the conference of counsel held in compliance with Local Rule 7-3.

Respectfully submitted,

Dated: September 30, 2022

/s/ David E. Azar
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Class Counsel

CERTIFICATE OF SERVICE

The undersigned certifies that, on September 30, 2022, he caused this document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of filing to registered counsel of record for each party.

Dated: September 30, 2022

/s/ David E. Azar
David E. Azar (SBN 218319)